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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,982	09/29/2000	Seth Bradley Noble	004098.P001	1722
7590	12/28/2006		EXAMINER	
Robert B O'Rourke Blakely Sokoloff Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/675,982	NOBLE, SETH BRADLEY
Examiner	Art Unit	
David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 October 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14, 16-19, 21-27 and 46-59 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14, 16-19, 21-27 and 46-59 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/06/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This office action is in response to the RCE filed 10/03/2006.
2. Claims 1, 5, 13, 14, 16, 21, 24 and 27 were amended.
3. Claims 15, 20 and 28-45 are canceled.
4. Claims 1-14, 16-19, 21-27 and 46-59 are pending in this office action.

Response to Amendment/Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

6. The IDS filed 10/06/2005 has been considered by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 13, 14, 46-49 and 58 and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,061,733 by Bodin et al. (Bodin).

9. With respect to Claims 1 and 46, Bodin teaches a method (and corresponding machine readable medium), comprising:

- a) generating, at a client, a request for an action to be performed by a server to a data object, said data object being maintained by said server, said server to, generate a response for said client as a consequence of performing said action (Col. 2 line 65 - Col. 3 line 4: user selects a file to be downloaded from a server);
- b) sending a request message from said client to said server over a network, said response being divide-able into a plurality of smaller response portions (Col. 3 lines 5-19: file to be downloaded is divided into a plurality of smaller portions), wherein said request message comprises a request for a first response portion of said plurality of smaller response portions and wherein said request message (Col. 3 lines 38-51: user can select a portion to request for download) further comprises:
 - 1) a description of said action (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11 - server recognizes the request is for downloading a portion of a particular file);
 - 2) a description of said data object (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11: portion name related to the file to be downloaded);
 - 3) a first limit that defines the maximum size of said first response portion (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11: portion size);
- c) maintaining at said client an understanding of how much of said first response portion has been sent by said server and received from said network by said client (Col. 4 lines 39-46: client is aware of whether a request portion has been downloaded); and

d) issuing another request message from said client to said server for another response portion of said plurality of smaller response portions that has not been received at said client (Col. 4 lines 36-46: user continues to request portions of the file until the file is completely downloaded).

10. With respect to Claims 2 and 47, Bodin further teaches sending a reply message from said server to said client, said reply message having at least a portion of said first response portion (Col. 3 lines 49-51: portion is downloaded).

11. With respect to Claims 3 and 48, Bodin further teaches wherein said reply message further comprises an indication of a size of said response (Col. 3 lines 5-19 and Col. 4 lines 1-11).

12. With respect to Claims 4 and 49, Bodin further teaches wherein said indication of a size of said response further comprises an indication of how much of said response remains to be delivered to said client (Col. 4 lines 42-46: client is aware of the size of each portion and of which portions of the overall response remain to be downloaded).

13. Claims 13 and 14 describe the same functionality described in Claim 1 but for a second request for a second action. As such, Claims 13 and 14 are rejected based on the cited teachings and logic of the rejection of claim 1 and the fact that Bodin can repeat the same functions for multiple files (Col. 2 line 67 - Col. 3 line 4).

14. Claims 58 and 59 describe the same functionality described in Claim 46 but for a second request for a second action. As such, Claims 58 and 59 are rejected based on the cited teachings and logic of the rejection of claims 46 and 47 and the fact that Bodin can repeat the same functions for multiple files (Col. 2 line 67 - Col. 3 line 4).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5, 9-12, 16, 21-24, 50 and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin in view of RFC 969 "NETBLT: A Bulk Data Transfer Protocol" by Clark et al. (RFC969).

17. With respect to Claims 5 and 50, Bodin does not explicitly disclose said reply message is part of a burst of reply messages, said burst of reply messages carrying the complete content first response portion.

RFC969 teaches a protocol for transferring large quantities of data between computers. This includes breaking the data into portions (Page 2, section 3, paragraph 2: buffers) and further sending these portions in bursts of reply messages carrying the complete content of the portions (Page 4, section 4, paragraphs 8 and 9 of section 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding machine readable medium) disclosed by Bodin and modify it as indicated by RFC969 such that it further comprises said reply message is part of a burst of reply messages, said burst of reply messages carrying the complete content first response portion. One would be motivated to have this as it minimizes the overhead of network transmissions (In RFC969: Page 5, paragraph 2).

18. With respect to Claims 9 and 54, Bodin does not explicitly disclose said reply message further comprises an indication of a capacity of said server.

RFC969 teaches a protocol for transferring large quantities of data between computers. This includes breaking the data into portions (Page 2, section 3, paragraph 2: buffers) and further sending these portions in bursts of reply messages carrying the complete content of the portions (Page 4, section 4, paragraphs 8 and 9 of section 4). This includes messages with an indication of a capacity of said server (Page 5, burst size and rate as negotiated flow control parameters).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding machine readable medium) disclosed by Bodin and modify it as indicated by RFC969 such that it further comprises said reply message further comprises an indication of a capacity of said server. One would be motivated to have this as optimization of transmission parameters is depending on a machine's capabilities (In RFC969: Page 5, last 3 paragraphs).

19. With respect to Claims 10 and 55, Bodin further teaches wherein said indication of a capacity of said server further comprises a server burst size limit (In RFC969: Page 5 last 3 paragraphs).

20. With respect to Claims 11 and 56, Bodin does not explicitly disclose said reply message further comprises an indication of a capacity of said client.

RFC969 teaches a protocol for transferring large quantities of data between computers. This includes breaking the data into portions (Page 2, section 3, paragraph 2: buffers) and further sending these portions in bursts of reply messages carrying the

complete content of the portions (Page 4, section 4, paragraphs 8 and 9 of section 4).

This includes messages with an indication of a capacity of said client (Page 5, burst size and rate as negotiated flow control parameters).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding machine readable medium) disclosed by Bodin and modify it as indicated by RFC969 such that it further comprises said reply message further comprises an indication of a capacity of said client. One would be motivated to have this as optimization of transmission parameters is depending on a machine's capabilities (In RFC969: Page 5, last 3 paragraphs).

21. With respect to Claims 12 and 57, Bodin further teaches wherein said indication of a capacity of said client further comprises a client burst size limit (In RFC969: Page 5 last 3 paragraphs).

22. With respect to Claim 16, Bodin teaches a method, comprising:

a) generating, at a client, a request for an action to be performed by a server to a data object, said data object being maintained by said server, said server to generate a response for said client as a consequence of performing said action (Col. 2 line 65 - Col. 3 line 4: user selects a file to be downloaded from a server);

b) sending a request message from said client to said server over a network, said response being divide-able into a plurality of smaller response portions (Col. 3 lines 5-19: file to be downloaded is divided into a plurality of smaller portions), wherein said request message comprises a request for a first response portion of said plurality of smaller response portions wherein said first portion is less than the full size of said

response and wherein said request message (Col. 3 lines 38-51: user can select a portion to request for download) further comprises:

- 1) a description of said action (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11 - server recognizes the request is for downloading a portion of a particular file);
- 2) a description of said data object (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11: portion name related to the file to be downloaded);
- 3) a first limit that defines the maximum size of said first portion (Col. 3 line 38-51 and Col. 3 line 63-Col. 4 line 11: portion size);

c) performing, at said server, at least a part of said action to said data object (Col. 3 lines 49-51).

Bodin does not explicitly disclose d) sending a burst of reply messages from said server to said client over said network in order to answer said request message, wherein: 1) each reply message within said burst of reply messages carries a different piece of said asked for first response portion; 2) the aggregate amount of response data of said different pieces of said burst of reply messages is an amount of data that is not larger than said first limit. RFC969 teaches a protocol for transferring large quantities of data between computers. This includes breaking the data into portions (Page 2, section 3, paragraph 2: buffers) and further sending these portions in bursts of reply messages carrying the complete content of the portions (Page 4, section 4, paragraphs 8 and 9 of section 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Bodin and modify it as indicated by

RFC969 such that it further comprises d) sending a burst of reply messages from said server to said client over said network in order to answer said request message, wherein: 1) each reply message within said burst of reply messages carries a different piece of said asked for first response portion; 2) the aggregate amount of response data of said different pieces of said burst of reply messages is an amount of data that is not larger than said first limit. One would be motivated to have this as optimization of transmission parameters is depending on a machine's capabilities (In RFC969: Page 5, last 3 paragraphs).

23. With respect to Claim 21, Bodin further teaches sending a second request message from said client to said server over said network, wherein said second request message asks for a second response portion of said plurality of smaller response portions (In Bodin: Col. 4 lines 39-46).

24. With respect to Claim 22, Bodin further teaches wherein said second request message further comprises said first limit (In Bodin: Col. 3 line 63 - Col. 4 line 11: Portion size).

25. With respect to Claim 23, Bodin further teaches sending a second burst of reply messages from said server to said client in order to answer said second request message (In RFC969: Page 4, section 4, paragraphs 8 and 9 of section 4).

26. With respect to Claim 24, Bodin further teaches wherein said first limit is maintained by said client, and a third limit is maintained by said server, said third limit defining the maximum amount of data that said server is allowed to send to said client in answering said request message, wherein said third limit is less than said first limit and

said aggregate of said different pieces is an amount of data that is not larger than said third limit (Page 5, negotiated flow control parameters).

27. With respect to Claim 25, Bodin further teaches wherein at least one of said reply message further comprises the size of said response (Col. 3 lines 5-19 and Col. 4 lines 1-11).

28. Claims 6-8 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin in view of U.S. Patent 5,878,228 by Miller et al. (Miller).

29. With respect to Claims 6 and 51, Bodin does not explicitly disclose said another request message further comprises a starting address and an extent. Miller teaches a request message can include a starting address and an extent (Col. 6 lines 48-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding machine readable medium) disclosed by Bodin and modify it as indicated by Miller such that it further comprises said another request message further comprises a starting address and an extent. One would be motivated to have this as this allows particular portions of data to be requested which would be beneficial to the problem addressed by Bodin (In Bodin: Col.2 lines 6-10).

30. With respect to Claims 7 and 52, Bodin further teaches said starting address corresponds to an address between a starting address for said response and an ending address for said response (In Miller: Col. 6 lines 48-51).

31. With respect to Claims 8 and 53, Bodin further teaches said extent corresponds to an address between a starting address for said response and an ending address for said response (In Miller: Col. 6 lines 52-55).

32. Claims 17-19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin in view of RFC969 and in further view of Miller.

33. With respect to Claim 17, Bodin does not explicitly disclose wherein said client and said server can identify said response as an addressable block of data. Miller teaches a client and a server can identify a response as an addressable block of data (Col. 6 lines 48-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding machine readable medium) disclosed by Bodin and modify it as indicated by Miller such that it further comprises said client and said server can identify said response as an addressable block of data. One would be motivated to have this as this allows particular portions of data to be requested which would be beneficial to the problem addressed by Bodin (In Bodin: Col.2 lines 6-10).

34. With respect to Claim 18, Bodin in view of RFC969 further teaches wherein said request further comprises 1) a first address of said block of data that corresponds to a

starting address for said response (In Miller: Col. 6 lines 48-51); and 2) a second address of said block of data that corresponds to a terminating address for said response (In miller: Col. 6 lines 52-55).

35. With respect to Claim 19, Bodin in view of RFC969 further teaches wherein said request defines: 1) a first address of said block of data that corresponds to a starting address for said response (In Miller: Col. 6 lines 48-51); and 2) an extent value that describes how much information beyond said starting address corresponds to the rest of said response (In Miller Col. 6 lines 52-55).

36. With respect to Claim 27, Bodin in view of RFC969 does not explicitly disclose said client assigns a transaction identifier to said request and includes said transaction identifier into said request message. Miller teaches a client assigned transaction identifier for a request that is included in the request message (In Miller Col. 5 line 1-15 and Col. 6 lines 5-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Bodin in view of RFC969 and modify it as indicated by Miller such that it further comprises said client assigns a transaction identifier to said request and includes said transaction identifier into said request message. One would be motivated to have this as this allows particular portions of data to be associated with a particular transaction which would be beneficial to the problem addressed by Bodin (In Bodin: Col.2 lines 6-10).

37. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin in view of RFC969 and in further view of U.S. Patent 5,845,280 by Treadwell et al. (Treadwell).

38. With respect to Claim 26, Bodin in view of RFC969 does not explicitly disclose returning an object identifier that can be used for subsequent requests on the same object. However, Treadwell shows it is well known in the art that data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in subsequent requests (Col. 7 lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Bodin in view of RFC969 and modify it as indicated by Treadwell such that at least one of said reply messages further comprises an object identifier that said client may use to refer to said data object for subsequent requests that invoke said data object. One would be motivated to have this as it reduces overhead in data transmission procedures (Col. 2 lines 29-35 of Treadwell).

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

40. U.S. Patent 5,566,176 by Chang "Parameter setting method for PLC communication system" October 15, 1996. Discloses dividing data into a plurality of blocks. PLC environment.
41. U.S. Patent 5,727,002 by Miller et al. "Methods for transmitting data" March 10, 1998. Discloses transmission of data in blocks with retransmission of a given block only on a negative acknowledgement.
42. U.S. Patent 6,018,780 by Fenchel "Method and apparatus for downloading a file to a remote unit" January 25, 2000. Discloses dividing data into N portions and sending the N portions to N ports on the destination device.
43. U.S. Patent 6,460,087 by Saito et al. "Method of transferring file" October 1, 2002. Discloses sending a file on two connections, with one starting from the start of the file and one starting from the end of the file.
44. U.S. Patent 6,449,631 by Takamoto et al. "Method and apparatus for transmitting data in a network wherein acknowledgement signals are transmitted to acknowledge receipt of data". September 10, 2002. Discloses dividing transferred data into sub-ACK unity packets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Lazaro
December 20, 2006


BHARAT BAROT
PRIMARY EXAMINER